

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

CRIMINAL ACTION No.: 3:03-CR-030-HTW-LGI-3

ROOSEVELT WALKER

ORDER OF RECUSAL

THIS MATTER is before the court on the motion [doc. no. 407] of the defendant, by counsel, for recusal by the undersigned district judge. The defendant also filed a motion [doc. no. 411] for recusal of the undersigned judge as unopposed. The Government has since filed its Response in Opposition to Defendant's motions.

The defendant's motions rely upon 28 U.S.C. §455(a) as the authority for recusal. It provides that a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. §455(a).

This court has no doubt of its ability to be entirely fair and impartial in this case. An error on the part of this judge's law clerk would in no way impact the decision-making of this court. Furthermore, as the Government states in its opposition brief, "the Motion for Recusal presents no facts which would cause a reasonable person with knowledge of all of the relevant facts to question the impartiality of the District Judge relative to the matters pending before the Court." [doc. no. 412 p. 5].

Nevertheless, the undersigned judge, to avoid any controversy in this matter, will recuse from this case. The motion of the defendant [doc. no. 407] for recusal is granted. The motion of the United States for additional time to respond [doc. no. 410] is granted *nunc pro tunc*. The

United States filed its response opposing the motion for recusal. Therefore, the motion of the defendant [doc. no. 411] to grant recusal as unopposed is denied.

SO ORDERED this the 3rd day of March, 2022.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE